IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION No.241 OF 2004.

Waman Ratan Patil. .. Petitioner

Vs.

Sharad Pandurang Pagar. ..Respondent.

Ms. Leena Patil for the Petitioner.

CORAM: R.C. CHAVAN, J.
DATED: 12th January, 2007.

P.C.:-

1. By this petition, the petitioner takes exception to the orders passed by various revenue Authorities upto the Government upholding the entry in the crop statement in respect of the disputed field in favour of the respondent. The learned counsel for the petitioner states that the petitioner had in his favour a decree of injunction granted on 31.10.1986 in R.C.S. No.124 of 1983 before the learned Civil Judge, Junior Division, Kalwan and in face of such decree the respondent could not have entered the field and,therefore, the revenue Authorities would not have recorded cultivator of the in the name of the respondent. This contention is misconceived. A person can commit

disobedience of a decree of injunction and, therefore, if he is found actually in possession of field, the revenue authorities cannot so record. Mere existence of a decree could not negate factual situation on the spot. Since the decisions impugned are based on findings of facts recorded by the revenue authorities, no interference is called for in writ jurisdiction under Articles 226 and 227 of the Constitution of India. The petition is consequently dismissed.

[R.C. CHAVAN, J]